



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 4

Meeting Date: February 5, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Kristen Steinke, City Attorney

Item Title: **Ordinance No. 451 adding Chapter 17.20.050 to the Lemon Grove Municipal Code establishing Emergency Shelter Overlay Zone, and amending Chapter 17.16.070 to reference new emergency shelter overlay zone, and approve a zone change to amend Zoning Map to include specific parcels in the General Commercial Zone; Zoning Amendment ZA 1-800-0003**

Recommended Action: Conduct second reading, by title only, and adopt Ordinance No. 451 (Attachment A) adding Chapter 17.20.050 to the Lemon Grove Municipal Code establishing Emergency Shelter Overlay Zone, and amending Chapter 17.16.070 to reference new emergency shelter overlay zone, and approve a zone change to amend Zoning Map to include specific parcels in the General Commercial Zone; Zoning Amendment ZA 1-800-0003.

Summary:

The introduction and first reading of the above-entitled Ordinance was approved at a Regular City Council Meeting on January 15, 2019. All Councilmembers were present except Councilmember Jones. There were no public speakers.

The Ordinance is now presented for second reading and adoption by title only.

Vote at first reading: AYES:	Vasquez, Arambula, J. Mendoza, M. Mendoza
ABSTAINED:	None.
ABSENT:	Jones.
DISQUALIFIED:	None.

Environmental Review:

<input checked="" type="checkbox"/> Not subject to review	<input type="checkbox"/> Negative Declaration
<input type="checkbox"/> Categorical Exemption, Section []	<input type="checkbox"/> Mitigated Negative Declaration

Fiscal Impact:

None.

Public Notification: Notice published in November 15, and December 6, 2018 and editions of the East County Californian.

Staff Recommendation: Conduct Second Reading, By Title Only, And Adopt Ordinance No. 451 (Attachment A) Entitled, “An Ordinance of the City Council of the City of Lemon Grove, California, Approving Zoning Amendment Za1-800-0003 to Add Chapter 17.20.050 to the Lemon Grove Zoning Ordinance to Establish an Emergency Shelter Overlay Zone; Amend Chapter 17.16.070 to Reference the New Emergency Shelter Overlay Zone in the General Commercial (GC) Zone; and Approve a Zone Change to Amend the Lemon Grove Zoning Map to Include Specific GC Zoned Parcels Within the New Emergency Shelter Overlay Zone.”

Attachment:

Attachment A – Ordinance No. 451

ORDINANCE NO. 451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPROVING ZONING AMENDMENT ZA1-800-0003 TO ADD CHAPTER 17.20.050 TO THE LEMON GROVE ZONING ORDINANCE TO ESTABLISH AN EMERGENCY SHELTER OVERLAY ZONE; AMEND CHAPTER 17.16.070 TO REFERENCE THE NEW EMERGENCY SHELTER OVERLAY ZONE IN THE GENERAL COMMERCIAL (GC) ZONE; AND APPROVE A ZONE CHANGE TO AMEND THE LEMON GROVE ZONING MAP TO INCLUDE SPECIFIC GC ZONED PARCELS WITHIN THE NEW EMERGENCY SHELTER OVERLAY ZONE.

WHEREAS, California Senate Bill 2 (SB2) requires cities and counties to identify at least one (1) zone in which emergency shelters are permitted by-right without discretionary approval from local government; and

WHEREAS, the Community Advisory Commission held five (5) meetings, including conducting a community workshop, to study and advise the City where to zone for emergency shelters in the City; and

WHEREAS, the Community Advisory Commission evaluated six separate sites, eliminated two sites, and by consensus ranked the remaining four sites; and

WHEREAS, the preferred location which the Community Advisory Commission found to be the most favorable area to zone for an emergency shelter is the South Broadway General Commercial (GC) site; and

WHEREAS, sufficient capacity within the South Broadway GC area has been identified to meet the needs of the City's homeless population, from the 2018 Point in Time count which identified 58 homeless residents, as required by state law; and

WHEREAS, on November 26, 2018, the Planning Commission held a duly noticed Public Hearing on the proposed amendments to the Zoning Ordinance and Zoning Map; and

WHEREAS, the Planning Commission voted unanimously to forward three sites to City Council for their consideration, including the South Broadway site, East Broadway site, and Light Industrial site; and

WHEREAS, the Notice of Public Hearing for this item was published in the December 20, 2018 edition of the East County Californian and mailed to all property owners within 500 feet of the three subject sites; and

WHEREAS, on January 15, 2019, the City Council held a Public Hearing on the proposed amendments to the Zoning Ordinance and Zoning Map, and selected the South Broadway General Commercial (GC) site to be zoned for an emergency shelter; and

WHEREAS, the City has found the project to be statutorily exempt from the environmental review requirements of the California Environmental Quality Act Guidelines (Section 15268, Ministerial Projects); and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.
 - This action implements Program 15 of the City’s General Plan Housing Element by amending the City’s Zoning Ordinance to explicitly address emergency homeless shelters.
2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.
 - The 2018 San Diego Point in Time Count identified 58 homeless persons in Lemon Grove; and
 - Providing a zone where homeless persons can be sheltered by-right provides a location for a developer to operate a shelter with capacity to house Lemon Grove’s homeless population.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, does ordain as follows:

Section 1. Section 17.16.070 [General Commercial Zone] of the City of Lemon Grove Zoning Ordinance is hereby amended as follows:

17.16.070 General commercial (GC) zone.

A. Purpose. The general commercial (GC) zone is available to auto-oriented, generally large-scale businesses and activities offering retail goods and services meant to serve the needs of local and regional shoppers. These regulations establish development standards and conditions through which uses may be located in this zone. All uses shall be subject to the applicable regulations of this title.

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the development services director, are permitted by right, as verified by zoning clearance:

1. Animal Sales and Services—Pet Supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.
2. Animal Sales and Services—Grooming. Uses that provide animal grooming, with or without the sale of supplies, for household pets and small farm animals as defined in LGMC Chapter 18.16. Facilities and operations shall comply with all standards set forth in this title.
3. Brewpubs and wine bars as defined by Chapter 18.27.
4. Business and Professional. Uses related to the practice of a vocation requiring specialized training or education that can be performed in an office setting.
5. Business Support. Uses that provide printing, copying, photographic, computer, or technological services.

6. Educational and Training Facilities. Uses that provide classroom-style instruction for occupancies less than fifty persons as determined by the building official.
7. Emergency Homeless Shelter Overlay Zone (EHSOZ). Uses that provide temporary shelter for homeless individuals and/or families within the EHSOZ as provided for in Section 17.20.050 (Ord.xxx, 2019).
8. Financial Institutions. Uses related to the exchange, lending, borrowing, and safe-keeping of money.
9. Food and Beverage Establishments with Drive-Through. Uses that prepare, provide, or serve food or beverages for consumption on or off the premises that may include drive-through service. Alcoholic beverage sales shall be subject to LGMC Chapter 18.27.
10. Funeral and Mortuary Services—No Assembly Space. Uses that provide services related to the death of a human (without crematoria). This use does not include assembly space.
11. Government. Uses related to local, state, or federal government agencies in an office setting.
12. Light Manufacturing. Uses that process, fabricate, assemble, treat, or package finished parts or products, of a limited intensity that result in few outside impacts. This use requires a retail component along the entire street frontages.
13. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods. This use does not include vehicle repair uses.
14. Medical, Dental, Clinics and Health Practitioners. Uses related to diagnosis and treatment of human illness and physical malfunction, including medical and dental laboratories that can be performed in an office setting.
15. Parking. Uses that provide surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.
16. Personal Services. Uses that provide a variety of services associated with personal grooming or adornment, health maintenance, or well-being.
17. Recreation—Small. Uses or facilities associated with indoor or outdoor, active or passive recreation for indoor occupancies less than fifty persons as determined by the building official and outdoor occupancies less than fifty persons as determined by the community development director.
18. Retail. Uses that provide new consumer goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics; goods for personal grooming or day-to-day maintenance of personal health and well-being. This use includes, but is not limited to, furniture, appliances, sundries, pharmaceuticals, wearing apparel and accessories, small equipment sales and rentals. This use does not include vehicle uses.
19. Retail—Antiques. Uses that provide antique goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics.
20. Vehicle Equipment and Supplies without Installation. Uses related to the sale of new or used parts, tools or supplies for repairing or maintaining vehicles. This use does not include on-site installation.

Section 2. New Chapter 17.20.050 of the City of Lemon Grove is hereby added as follows:

17.20.050 Emergency Homeless Shelter Overlay Zone (EHSOZ)

- A. Purpose. This section is intended to designate an area within the General Commercial (GC) zone where an emergency homeless shelter necessary to meet the needs of the City's homeless population can be located by-right in the City, without a conditional use permit or any other discretionary permit, as required by State law.
- B. General Provisions.
 - 1. The Emergency Shelter Overlay Zone is identified on the Zoning Map of the City. All emergency shelters shall be located within the physical boundaries of this overlay zone.
 - 2. Emergency shelters shall be subject to those development and management standards that apply to residential or commercial development within the GC zone.
 - 3. In addition, all emergency shelters shall comply with the written, objective standards as specified in Government Code section 65583, subd. (a) (4) (A), as specified in subsection C of this section.
- C. Development Standards Specific to an Emergency Homeless Shelter located within Overlay Zone.
 - 1. Each emergency shelter shall be located within an entirely enclosed, permanent structure.
 - 2. Each emergency shelter may have a maximum of sixty (60) beds to serve a maximum of sixty (60) clients.
 - 3. The maximum length of stay at any one (1) time for any person shall be six (6) months in any twelve (12) month period.
 - 4. One parking space shall be provided for each employee, volunteer, service provider, and non-client who will be on-site during peak periods plus one space per three (3) beds.
 - 5. There shall be no camping/sleeping in vehicles permitted on the site of the shelter.
 - 6. An emergency shelter shall be located at least three hundred (300) feet from another emergency shelter, as measured from property boundaries.
 - 7. Each emergency shelter shall provide on-site supervision at all times when the shelter is open.
 - 8. Each shelter shall conform to the City's outdoor lighting requirements.
 - 9. The emergency shelter operator/provider shall submit a written management plan, to the satisfaction of the City, with the plot plan application for approval. The intent of the management plan is to establish operating procedures that promote compatibility with the surrounding area and businesses. The operator shall agree to maintain the standards in the management plan.

Section 3. The following parcels are hereby rezoned with the Emergency Homeless Shelter Overlay Zone:

APN's: 478-143-15-00, 478-143-14-00, 478-143-18-00, 478-143-12-00, 479-062-15-00, 479-062-32-00, 479-062-30-00, 479-062-26-00, 479-062-18-00, 479-062-19-00, 479-062-20-00, 479-062-21-00, 479-062-22-00, 479-070-19-00, 479-070-29-00, 479-070-08-00, 479-070-17-00, 479-070-30-00, 479-070-27-00, 479-070-14-00, 479-070-33-00

Section 4. The attached City of Lemon Grove Zoning "inset map" [Exhibit A] provides a graphical representation of the parcels that will be designated with the Emergency Homeless Shelter Overlay Zone.

Section 5. The foregoing recitals are true and correct.

Section 6. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish the title thereof, as a summary as required by state law.

INTRODUCED by the City Council on January 15, 2019.

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, State of California, on _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

Kristen Steinke, City Attorney